

153 MAY 29 2013
U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
FILED
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FRIEDMAN, JAMES & BUCHSBAUM LLP
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CV 13 - 3105

PATRICK BLAIR,

**PLAINTIFF DEMANDS
A TRIAL BY JURY**

Plaintiff,

COMPLAINT

-against-

**SEAMAN'S CASE UNDER
THE JONES ACT FOR
PERSONAL INJURIES**

K-SEA TRANSPORTATION, INC., now known
as Kirby Offshore Marine, Inc. and
K-SEA OPERATING LLC, now known as
Kirby Offshore Marine Operating, LLC,

Defendants.

COGAN, J.

**SUIT UNDER SPECIAL RULE FOR SEAMEN TO SUE
WITHOUT SECURITY OR PREPAYMENT OF FEES FOR
THE ENFORCEMENT OF THE LAWS OF THE UNITED
STATES, COMMON AND STATUTORY FOR THE
PROTECTION OF AND FOR THE HEALTH AND SAFETY
OF SEAMEN AT SEA**

Plaintiff, PATRICK BLAIR, complaining of the defendants K-SEA
TRANSPORTATION, INC., now known as Kirby Offshore Marine, Inc. and K-SEA
OPERATING LLC, now known as Kirby Offshore Marine Operating, LLC, by his attorneys
FRIEDMAN, JAMES & BUCHSBAUM LLP, respectfully alleges upon information and belief
as follows:

Jurisdictional & Venue Statement:

1. This Court's subject matter jurisdiction is premised upon the Jones Act, 46 U.S.C §§ 30104 *et seq.* (formerly codified at 46 U.S.C. § 688) and the general maritime law of the United States.
2. Venue is premised upon 45 U.S.C. § 56, as incorporated by the Jones Act, inasmuch as defendants are transacting business within the Eastern District of New York and maintain an office and place of business within the Eastern District of New York.

Parties:

3. At all relevant times, defendant K-SEA TRANSPORTATION, INC., now known as Kirby Offshore Marine, Inc. was and still is a corporation organized and existing pursuant to the laws of the State of Delaware transacting business within the Eastern District of New York with an office and place of business within the Eastern District of New York.
4. At all relevant times, defendant K-SEA OPERATING LLC, now known as Kirby Offshore Marine Operating, LLC, was and still is a limited partnership organized and existing pursuant to the laws of Delaware transacting business within the Eastern District of New York with an office and place of business within the Eastern District of New York.

FIRST COUNT

5. At all relevant times, defendant K-SEA OPERATING LLC, now known as Kirby Offshore Marine Operating, LLC, owned the vessel "DBL 27."
6. At all relevant times, defendants, or any of them, operated the vessel "DBL 27."

7. At all relevant times, defendants, or any of them, controlled the vessel "DBL 27."

8. That at all times and dates hereinafter mentioned, the plaintiff was a member of the crew of the "DBL 27," and an employee of defendant K-SEA TRANSPORTATION, INC., now known as Kirby Offshore Marine, Inc.

9. That on or about April 2, 2011, without any fault on the part of the plaintiff, and wholly and solely by reason of the negligence, recklessness and carelessness of defendants, or any of them, and its/their agents, servants and/or employees, and by reason of the unseaworthiness of the vessel "DBL 27" and/or its appurtenances, plaintiff was caused to sustain injuries.

10. As a result of the foregoing, the plaintiff was rendered sick, sore, lame and disabled and sustained severe and permanent personal injuries, was and is internally and externally disabled causing him to suffer pain, and for a time he was prevented from attending to his daily labors, thereby losing sums of money which he otherwise would have earned as wages, and has endeavored to be cured of his injuries, and has expended sums of money to maintain himself, and will continue to endure pain and suffering, all to his damage.

11. By reason of the foregoing, plaintiff has been damaged in the sum of FOUR MILLION (\$4,000,000.00) DOLLARS.

SECOND COUNT

12. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 11 herein as if set forth fully at length herein.

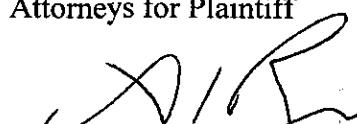
13. Plaintiff is entitled to maintenance, cure, and medical expenses for the period that he was disabled and unable to work in the total sum of TWO HUNDRED FIFTY THOUSAND (\$250,000.00) DOLLARS.

WHEREFORE, plaintiff PATRICK BLAIR demands judgment against defendants K-SEA TRANSPORTATION, INC., now known as Kirby Offshore Marine, Inc. and K-SEA OPERATING LLC, now known as Kirby Offshore Marine Operating, LLC on the First Count in the amount of FOUR MILLION (\$4,000,000.00) DOLLARS; and against defendants K-SEA TRANSPORTATION, INC., now known as Kirby Offshore Marine, Inc. and K-SEA OPERATING LLC, now known as Kirby Offshore Marine Operating, LLC on the Second Count in the amount of TWO HUNDRED FIFTY THOUSAND (\$250,000.00) DOLLARS, together with the costs, interest and disbursements of this action, and such other and further relief as this Court deems just and proper.

Dated: New York, New York
May 29, 2013

FRIEDMAN, JAMES & BUCHSBAUM LLP
Attorneys for Plaintiff

By:


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